

REMARKS

The above amendments incorporate the substance of claim 26 – which was indicated to be allowable – into claim 10, rewrite claim 19 in independent form and amend claims 20-23 to depend from and conform to the amendment of claim 19.

In the previous Advisory Actions it was alleged that changes to the amounts of polyacrylate and solvent were not supported by the disclosure. Those changes are, thus, no longer included in this amendment. The change to the amount of effect pigments is clearly supported by the disclosure (page 5, lines 27-29). Although applicants remain of the opinion, that the modification of the maximum amounts of polyacrylate and solvent previously proposed were inherently supported by the disclosure, these changes are not made here in the hope that prosecution can be advanced. However, the record should reflect that, as to currently proposed claim 10, the claim should be interpreted such that the minimum amount of effect pigments takes precedence in the claim, i.e., for this claim, the effect pigment must be present in $\geq 50\%$ by weight and, to the extent other amounts apparently encompassed by the claim are inconsistent with this, the claim should not be interpreted to include embodiments with such inconsistent amounts.

For the above reasons, it is urged that the proposed amendments are supported by the disclosure and do not introduce new matter. Further, the amendments should be entered because they direct the claims to the allowable subject matter indicated in the Final Office Action. Thus, the substance of previous claim 26 – indicated to be allowable – is incorporated into claim 10. Claim 19 is written in independent form and claims 20-23 are amended to depend from claim 19. The amendments to claims 19-23 do not change the scope of these claims.

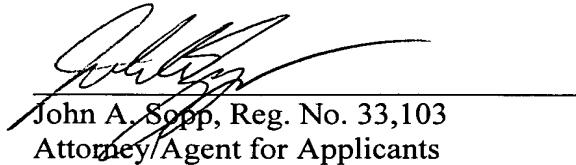
It is submitted that the above amendments would put the application in condition for allowance since they direct the claims to the indicated allowable subject matter. The rejections under 35 U.S.C. §112 and 35 U.S.C. §103 are rendered moot by the amendments. The amendments do not raise new issues or present new matter and do not present additional claims. The amendments were made to direct the claims to the subject matter indicated in the Final Office Action to be allowable. Thus, they were not earlier presented. Accordingly, it is submitted that the requested amendments should be entered.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



John A. Sopp, Reg. No. 33,103
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Blvd. Suite 1400
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410
Date: MERCK-2320
May 2, 2005